

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF PUERTO RICO

COUNTRYWIDE HOME LOANS MORTGAGE  
CORPORATION,

Plaintiff

v.

YOLANDA RIVERA-HERNANDEZ, ET AL.,

Defendants.

CIV. NO. 04-1410 (PG)

**ORDER**

Rule 41(b) of the Federal Rules of Civil Procedure permits a court to dismiss an action if the plaintiff fails "to prosecute or to comply with these rules or any order of court." FED. R. CIV. P. 41(b). "The authority of a federal trial court to dismiss a plaintiff's action . . . because of his failure to prosecute cannot seriously be doubted." Link v. Wabash R.R., 370 U.S. 626, 629 (1962). "This power, which is of ancient origin . . . is a necessary component of the authority and responsibility of the district courts to establish orderly processes and manage their calendars." Pomales v. Celulares Telefonica, Inc., 342 F.3d 44, 48 (1st Cir. 2003) (internal quotation marks omitted) (citing Young v. Gordon, 330 F.3d 76, 81 (1st Cir. 2003)). In addition, the Judicial Conference of the United States and the Case Administration and Case Management Committee (CACM) have classified the Federal District Court for the District of Puerto Rico as a congested federal district court.

On July 3, 2008, this Court issued an order to show cause by July 15, 2008 as to why the case should not be dismissed for lack of prosecution and failure to comply with a previous order requesting the plaintiff file an informative motion as to the status of the case. See Docket No. 34. The plaintiff complied with this order and the case was not dismissed. Two years elapsed and on August 9, 2010, the Court issued another order to show cause (Docket No. 41) giving plaintiff until August 20, 2010 to explain to the Court why its case should not be dismissed for lack of prosecution. As of present day, plaintiff has failed to comply with this order, in addition to failing to prosecute its claim. Therefore, under this "[C]ourt's . . . unquestionable

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authority to dismiss a case . . . for want of prosecution in order to prevent undue delay in the disposition of pending cases, docket congestion and the possibility of harassment of defendant," Jardines Ltd. Partnership v. Executive Homesearch Realty Serv. Inc., 178 F.R.D. 365 (D.P.R. 1998), the Court hereby dismisses plaintiff's claim against defendants **with prejudice** pursuant to Fed. R. Civ. P. 41(b). Final judgment dismissing the case with prejudice shall be entered accordingly.

**IT IS SO ORDERED.**

In San Juan, Puerto Rico, September 22, 2010.

S/JUAN M. PEREZ-GIMENEZ  
JUAN M. PEREZ-GIMENEZ  
U.S. DISTRICT JUDGE